

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Friday, January 20, 2006
2:00 p.m. Time Certain
Doubletree Paradise Valley Resort
5401 North Scottsdale Road
Scottsdale, Arizona 85250

PRESENT: (Commission)

(Director's Staff)

Chairman W. Hays Gilstrap
Commissioner Joe Melton
Commissioner Michael M. Golightly
Commissioner William H. McLean
Commissioner Robert Hernbrode

Director Duane L. Shroufe
Deputy Director Steve K. Ferrell
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Shelley Cutts

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Ronald L. Day, Law Enforcement Branch Chief

The Department would like the record to show that each of these cases have been reviewed and it has been determined that all cases meet the criteria established in A.R.S. §15-714, §17-238, §17-314, §17-340, §17-362 and/or §17-363 for Commission action. The record should reflect that the Commission and the respondents have been provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. All of these exhibits may be considered by the Commission in order to make a final determination. Each individual has been legally noticed for today's hearing.

The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed below:

<u>Name</u>	<u>Conviction</u>
Wright, Brian M.	Count A: Take wildlife during closed season (elk) Count B: Take wildlife without valid permit (elk) Count C: Allow game meat to waste (elk)
Wright, Michael H.	Count A: Take wildlife during closed season (elk) Count B: Take wildlife without valid permit (elk) Count C: Allow game meat to waste (elk)
Sanchez, Rosalino M.	Count A: Knowingly take wildlife during closed season (javelina) Count B: Possession of unlawfully taken wildlife (javelina)
Galindo, Jesus G.	Count A: Knowingly take wildlife during closed season (javelina) Count B: Possession of unlawfully taken wildlife (javelina)
Daniels, Louis J.	Count A: Take antlerless deer on antlered deer tag. Count B: Possess/transport unlawfully taken deer.

Tyree, Anthony T.

Count A: Count A: Hunt big game without a valid license/tag

Count B: Obtain 2004 hunting license by fraud.

Count E: Obtain 2004 archery deer tag by fraud.

Roll call was taken and the following were present: Brian Wright, Michael Wright, Louis Daniels.

Motion: Golightly moved and Melton seconded THAT THE COMMISSION TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

4 Aye, Hernbrode absent

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The following two cases were related; Brian Wright and Michael Wright. The facts in these two cases were presented to the Commission simultaneously.

Michael H. Wright

Wright was found guilty by the Clifton Justice Court for: Count A: Take Wildlife During Closed Season (elk); Count B: Take Wildlife Without Valid Permit (elk); Count C: Allow Game Meat To Waste (elk); and sentenced Count A: Fined \$905.00; and Count B: Fined \$275.00; and Count C: Fined \$205.00.

Wright was present and addressed the Commission stating that he thought the animal was a cow and after shooting it and realizing his mistake, he didn't know what to do or how to handle the situation. Mr. Wright asked for leniency so he wouldn't lose the bonus points that he has accrued in the State of Oregon, due to the Wildlife Violator Compact.

Brian Wright was present, but did not address the Commission. He stated from his seat that he was sorry.

Motion: McLean moved and Hernbrode seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **MICHAEL H. WRIGHT TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **MICHAEL H. WRIGHT** TO COLLECT THE AMOUNT OF **\$1,168.98** FOR **HIS PART** IN THE LOSS OF **ONE (1) BULL ELK**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO

THIS MOTION; AND FURTHER, THAT THE DIRECTOR, UPON SIGNING THE ORDER, TRANSMIT A COPY THEREOF TO THE DEPARTMENT OF NATURAL RESOURCES/GAME AND FISH OF THE STATE OF OREGON.

Vote: Unanimous

Commissioner Melton requested that Mr. Day survey the other western states to determine how they manage their bonus point processes in light of revocations.

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Brian M. Wright

Wright was found guilty by the Clifton Justice Court for: Count A: Take Wildlife During Closed Season (elk); Count B: Take Wildlife Without Valid Permit (elk); Count C: Allow Game Meat To Waste (elk); and sentenced Count A: Fined \$905.00; and Count B: Fined \$275.00; and Count C: Fined \$205.00.

Motion: Golightly moved and Melton seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **BRIAN M. WRIGHT TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **BRIAN M. WRIGHT** TO COLLECT THE AMOUNT OF **\$1,168.98** FOR **HIS PART** IN THE LOSS OF **ONE (1) BULL ELK**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

Michael Wright asked if he could take the Hunter Education Course offered by the State of California instead of having to drive back to Arizona for the course, to which Mr. Day replied that he could.

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Louis J. Daniels

Daniels was found guilty by the Fredonia Justice Court for: Count A: Take Antlerless Deer on Antlered Deer Tag; Count B: Possess/Transport Unlawfully Taken Deer; and sentenced Count A: Fined \$300.00; and Count B: Fined \$300.00.

Mr. Day read into the record a written statement from his hunting partner dated January 17, 2006: To whom it may concern, concerning the fall deer hunt in 2004, and Louis Daniels. To my knowledge did not shoot a doe. I know did shoot once at a buck and was not sure if he hit it. Louis walked into the woods to check and see if he hit the buck. The deer ran into a meadow next to the first meadow. Louis asked me on the radio to pick him up and we drove over to the second meadow. The second shot, Louis shot the buck. This was witnessed by another hunting group. That evening I helped Louis field dress the deer. The following day while driving home, we were stopped by Game and Fish and questioned about shooting a doe. Our rifles were checked and two buck racks and meat were checked. The Game and Fish Officers took statements from us and we were sent on our way. This event happened 15 months ago, so every detail is not fresh, but to my knowledge, Louis did not shoot a doe. Signed, Ranson Anderson.

Daniels was present and addressed the Commission stating that he did not believe that he shot the doe. While looking for the buck he wounded, he found the doe and dragged it into the brush because he knew other hunters in the area would think he shot it, but he did not. Also, Daniels stated that several statements made by the person who reported the incident were not true and did not happen. Further, Daniels pled guilty because he needed to have surgery and wanted to put this behind him. He did not realize that it would be addressed by the Commission and he may lose his hunting privileges.

Officer Langley addressed the Commission stating that he believed Daniels shot the doe unintentionally, when shooting at the buck; however, it took three interviews before Daniels admitted to dragging the doe into the brush, which indicates guilt.

Motion: Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **LOUIS J. DANIELS** TO HUNT IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **TWO (2) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **LOUIS J. DANIELS** TO COLLECT THE AMOUNT OF **\$2,805.44** FOR THE LOSS OF **TWO (2) MULE DEER (1 BUCK AND 1 DOE)**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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The following two cases were related; Rosalino Moreno Sanchez and Jesus Galvan Galindo. The facts in these two cases were presented to the Commission simultaneously.

Rosalino Moreno Sanchez

Sanchez was found guilty by the Prescott Justice Court for: Count A: Knowingly Take Wildlife During Closed Season (javelina); and Count B: Possession Of Unlawfully Taken Wildlife (javelina); and sentenced Count A: Fined \$570.00; and Count B: Suspended.

Sanchez was not present.

Motion: Golightly moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ROSALINO MORENO SANCHEZ** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5)** YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **ROSALINO MORENO SANCHEZ** TO COLLECT THE AMOUNT OF **\$233.79** FOR **HIS PART** IN THE LOSS OF **ONE (1) JAVELINA**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION; AND FURTHER, THAT THE DIRECTOR, UPON SIGNING THE ORDER, TRANSMIT A COPY THEREOF TO THE DEPARTMENT OF NATURAL RESOURCES/GAME AND FISH OF THE STATE OF OREGON.

Vote: Unanimous

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Jesus Galvan Galindo

Galindo was found guilty by the Prescott Justice Court for: Count A: Knowingly Take Wildlife During Closed Season (javelina); and Count B: Possession Of Unlawfully Taken Wildlife (javelina); and sentenced Count A: Fined \$570.00; and Count B: Suspended.

Galindo was not present.

Motion: Hernbrode moved and Golightly seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **JESUS GALVAN GALINDO** TO **HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5)** YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST

JESUS GALVAN GALINDO TO COLLECT THE AMOUNT OF **\$233.79** FOR **HIS PART** IN THE LOSS OF **ONE (1) JAVELINA**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION; AND FURTHER, THAT THE DIRECTOR, UPON SIGNING THE ORDER, TRANSMIT A COPY THEREOF TO THE DEPARTMENT OF NATURAL RESOURCES/GAME AND FISH OF THE STATE OF OREGON.

Vote: Unanimous

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Anthony T. Tyree

Tyree was found guilty by the Fredonia Justice Court for: Count A: Hunt Big Game Without A Valid License/Tag; Count B: Obtain 2004 Hunting License By Fraud; and Count E: Obtain 2004 Archery Deer Tag By Fraud; and sentenced Count A: Fined \$350.00; Count B: Fined: \$100.00; and Count E: Fined \$100.00.

Tyree was not present.

Motion: Hernbrode moved and McLean seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **ANTHONY T. TYREE TO HUNT, FISH AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**, ONE YEAR FOR EACH TAG AND EACH LICENSE OBTAINED BY FRAUD; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION; AND FURTHER, THAT THE DIRECTOR, UPON SIGNING THE ORDER, TRANSMIT A COPY THEREOF TO THE DEPARTMENT OF NATURAL RESOURCES/GAME AND FISH OF THE STATE OF OREGON.

Vote: Unanimous

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These hearings concluded at 3:45 p.m.

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